

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT J. HONIOUS,

Defendant.

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:
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Case No. 3:19cr161

JUDGE WALTER H. RICE

DECISION AND ENTRY RELEASING DEFENDANT TO STATE DETAINER
IN ORDER FOR HIM TO SERVE ANY POST-RELEASE CONTROL
VIOLATION TIME PRIOR TO SERVING THE 75-MONTH SENTENCE
IMPOSED HEREIN; AS SOON AS DEFENDANT IS IN STATE CUSTODY, A
FEDERAL DETAINER SHOULD BE LODGED AGAINST HIM IN HIS
STATE INSTITUTION OF CONFINEMENT; REASONING SET FORTH

On March 17, 2020, this Court remanded the Defendant to the custody of the Attorney General of the United States, the Bureau of Prisons, for a term of 75 months.

The Defendant was on state Post-Release Control when his offense in the captioned matter was committed. There is a state parole detainer lodged against him at the Montgomery County Jail. He has been told by his parole officer that he faces, upon parole revocation, a consecutive sentence of 270 days in state prison.

Should Defendant serve his federal sentence first, followed by his 270-day or 9-month sentence in state prison, the presence of the state detainer lodged against him at his federal institution will deny him access to certain programs available in a Bureau of Prisons facility and, in all likelihood, deny him access to a halfway house at or near the end of his federal sentence.

In order to avoid this, this Court directs that Defendant be released to his state parole detainer, in order that he might first serve his parole revocation time in the state institution. Once Defendant is in state custody, a federal detainer should be placed against him, guaranteeing that when his state parole violation time is complete, he will be turned over to federal custody, where he will have full access to programming available in the Bureau of Prisons and, hopefully, in his designated institution, as well as access to whatever halfway house time the Bureau feels is warranted at the end of his sentence.

March 17, 2020



WALTER H. RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record
U.S. Marshal